

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 05-14561  
Non-Argument Calendar

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<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT December 7, 2006 THOMAS K. KAHN CLERK</p>
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D. C. Docket No. 04-60131-CR-WPD

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NIGEL GRAY,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida

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**(December 7, 2006)**

Before TJOFLAT, BIRCH and DUBINA, Circuit Judges.

PER CURIAM:

Appellant was convicted on a plea of guilty of all five counts of the

indictment, all of which related to a conspiracy to import five kilograms or more of cocaine into the United States. The district court sentenced him on the first four counts to concurrent prison terms of 168 months and on the fifth count to a consecutive prison term of 60 months, for a total of 228 months. He now appeals his sentences.

The Government concedes in its brief that “statutory error” under United States v. Booker, 543 U.S. 220, 1254 S.Ct. 738, 160 L.Ed.2d 621 (2005), warrants “a limited remand” to permit the district court to reconsider appellant’s sentences in light of the now-advisory Sentencing Guidelines and the factors set out in § 3553(a). Appellant’s sentences are therefore vacated, and the case is remanded for a new sentencing hearing.

VACATED and REMANDED.